



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/027,968	09/16/2013	TZAH EFRATI	5524-220	7426

96355 7590 05/01/2017  
NIXON & VANDERHYE, P.C. / Vonage  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203

EXAMINER
----------

BLANTON, JOHN D

ART UNIT	PAPER NUMBER
----------	--------------

2466

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

05/01/2017

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOMAIL@nixonvan.com  
pair\_nixon@firsttofile.com

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

*Ex parte* TZAHI EFRATI

---

Appeal 2017-000857  
Application 14/027,968  
Technology Center 2400

---

Before THU A. DANG, ERIC S. FRAHM, and JOHN P. PINKERTON,  
*Administrative Patent Judges.*

FRAHM, *Administrative Patent Judge.*

DECISION ON APPEAL

## STATEMENT OF CASE

### *Introduction*

Appellant appeals under 35 U.S.C. § 134(a) from a final rejection of claims 1, 2, 4, 5, 12–16, 18, 19, 26, and 27. Claims 3, 6–8, 17, and 20–22 have been canceled. Claims 9–11 and 23–25 have been indicated as allowable (Final Act. 4). We have jurisdiction under 35 U.S.C. § 6(b). We affirm.

### *Exemplary Claim*

Exemplary independent claim 1 under appeal reads as follows:

1. A method of routing an incoming telephony communication directed to a virtual telephone number that is assigned to first and second users of a telephony system, comprising:

- receiving an incoming telephony communication directed to a virtual telephone number that is assigned to first and second users of a telephony system;
- obtaining caller ID information for the received incoming telephony communication;
- obtaining telephony related information for the first and second users from address books or contact lists of the first and second users;
- determining whether an element of the obtained caller ID information matches an element of the obtained telephony information for the first and second users; and
- routing the incoming telephony communication based on the result of the determining step.

### *The Examiner's Rejections*

(1) The Examiner rejected claims 1, 2, 4, 12, 14–16, 18, and 26 as being unpatentable under 35 U.S.C. § 103(a) over Borislow (US 8,306,201 B1; issued Nov. 6, 2012) and Bangor (US 2007/0047532 A1; published Mar. 1, 2007). Final Act. 6–9; Ans. 4–7.

(2) The Examiner rejected dependent claims 5 and 19 as being unpatentable under 35 U.S.C. § 103(a) over Borislow, Bangor, and Mousseau (US 2007/0242809 A1; published Oct. 18, 2007). Final Act. 9; Ans. 7–8.

(3) The Examiner rejected claims 13 and 27 under 35 U.S.C. § 103(a) Borislow, Bangor, and Enzmann (US 2004/0264663 A1; published Dec. 30, 2004) (Final Act. 10); however, this rejection has been withdrawn in the Answer (*see* Ans. 2–3, 12; *see also* Reply Br. 1). Accordingly, we do not consider the merits of, or Appellant’s arguments (*see* App. Br. 17–18) regarding, this rejection.

*Appellant’s Contentions<sup>1</sup>*

Appellant contends (App. Br. 10–17; Reply Br. 2–7) that the Examiner erred in rejecting claims 1, 2, 4, 12, 14–16, 18, and 26 under 35 U.S.C. § 103(a) over the base combination of Borislow and Bangor for numerous reasons, including:

---

<sup>1</sup> Appellant primarily argues the merits of the combination with respect to claim 1 (App. Br. 10–15; Reply Br. 2–5), and relies on the arguments presented as to claim 1 for patentability of (i) claims 2, 3, 14, 15, 16, and 18 (App. Br. 15); (ii) claims 12 and 26 (App. Br. 15–16; Reply Br. 5–6); and (iii) claims 5 and 19 (App. Br. 16–17; Reply Br. 6–7). Claims 1, 14, and 15 contain similar subject matter as claim 1, namely a system and method of routing incoming telephony communication directed to a virtual telephone number that is assigned to first and second users of a telephony system. Appellant’s arguments as to independent claims 14 and 15 are the same as for claim 1. In view of the foregoing, we select claim 1 as representative of the group of claims 1, 2, 4, 12, 14–16, 18, and 26 rejected for obviousness over Borislow and Bangor. Because Appellant presents similar arguments for claims 5 and 19 (App. Br. 16–17; Reply Br. 6–7) as for claim 1, the outcome of the rejection of claims 5 and 19 will stand/fall with the outcome for claim 1.

(i) the way Borislow's system routes incoming telephone calls is significantly different than what is recited in claim 1 (App. Br. 10);

(ii) there is no motivation for making the combination of Borislow and Bangor, and hindsight has been employed (App. Br. 13–14; Reply Br. 2–5);

(iii) Bangor fails to teach using information in a user address book and contact lists to determine which of two users should receive an incoming call, as recited in claim 1 (App Br. 13); and

(iv) Borislow's column 7, lines 39–51 do not teach or suggest storing an association between (a) a calling party and a first user, or (b) a calling party and a second user, as recited in claims 12 and 26 (App. Br. 15–16).

*Principal Issue on Appeal*

Based on Appellant's arguments in the Appeal Brief (App. Br. 9–19) and the Reply Brief (Reply Br. 1–7), the following principal issue is presented on appeal:

Did the Examiner err in rejecting claims 1, 2, 4, 5, 12, 14–16, 18, 19, and 26 as being obvious over the base combination of Borislow and Bangor because:

(i) Borislow and Bangor combined fail to teach or suggest the method of routing incoming telephony communication directed to a virtual telephone number that is assigned to first and second users of a telephony system, as recited in claim 1, and as similarly recited in remaining independent claims 14 and 15; and/or

(ii) Borislow and Bangor are not properly combinable due to (a) the Examiner's use of impermissible hindsight and (b) the lack of any motivation in making the combination?

### ANALYSIS

We have reviewed the Examiner's rejections in light of Appellant's arguments in the Appeal Brief (App. Br. 9–19) and the Reply Brief (Reply Br. 1–7) that the Examiner has erred. We disagree with Appellants' arguments. With regard to claim 1, we adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken (Final Act. 6–7; Ans. 4–6), and (2) the reasons set forth by the Examiner in the Examiner's Answer in response to Appellant's Appeal Brief (Ans. 8–11). With regard to dependent claims 12 and 26 separately argued, we agree with the Examiner's findings that Borislow discloses a call log database for logging calls between callers and callees that resolves calls to virtual numbers in the manner recited (Ans. 11 citing col. 7, ll. 39–51; col. 9, ll. 3–17; col. 10, ll. 25–65; Fig. 5).<sup>2</sup> In sum, we concur with the conclusions reached by the Examiner as to both obviousness rejections.

With regard to claim 1, the Examiner relies on Borislow (col. 10, ll. 25–65) for features relating to virtual telephone numbers recited in claim 1,

---

<sup>2</sup> Appellant does not dispute the findings of the Examiner with regard to columns 9 and 10 and Figure 5 of Borislow. Therefore, Appellant has not shown the Examiner erred in rejecting claims 12 and 26, and the outcome of the rejection of claims 12 and 26 will be based on the outcome with regard to the rejection of independent claims 1 and 15 from which claims 12 and 26 respectively depend. Therefore, the outcome of the rejection of claims 12 and 26 will be decided by the outcome with regard to the rejection of claim 1.

and Bangor (§ 8) for obtaining information from address books and/or contact lists concerning first and second users (Final Act. 6–7; Ans. 4–6). We agree with the findings made by the Examiner with regard to the individual references, and we also agree with the Examiner (Ans. 5–6) that it would have been obvious to use Bangor’s address book matching teaching in the telephony and call directing system of Borislow to improve call filtering (Final Act. 7; Ans. 5–6, 9). Specifically, we agree with the Examiner’s determination that “[t]he addition of address books would have made the determining of a called party based on a reusable call number possible when the historical database had no records of previous call traffic, e.g. new subscribers . . . [and therefore] the address books would perform as an initial way of determining the correct called party even if the historical database had no entries on the new subscriber” (Ans. 9). Therefore, Appellant’s arguments (App. Br. 13–14; Reply Br. 2–5) that there is no motivation to combine Borislow and Bangor other than impermissible hindsight are not persuasive.

With regard to Appellant’s argument as to claims 12 and 26 (App. Br. 15–16), that Borislow’s column 7, lines 39–51 fails to teach or suggest storing an association between (a) a calling party and a first user, or (b) a calling party and a second user, as recited in claims 12 and 26, this argument is unpersuasive inasmuch as the Examiner (Ans. 11) relies on additional undisputed portions of Borislow (col. 9, ll. 3–17; col. 10, ll. 25–65; Fig. 5) as teaching these features.

In view of the foregoing, we sustain the rejection of (i) representative claim 1, (ii) remaining independent claims 14 and 15 reciting similar limitations to a system for routing an incoming telephony communication to

a virtual telephone number, and (iii) respective dependent claims 2, 4, 12, 16, 18, and 26 as being obvious over the combination of Borislow and Bangor. We also sustain the rejection of dependent claims 5 and 19 for the same reasons provided as to claims 1 and 15 from which these claims respectively depend, and because Appellant's arguments (App. Br. 16–17; Reply Br. 6–7) concerning the use of impermissible hindsight and lack of motivation in the combination of Borislow and Bangor fail to address the inclusion of Mousseau in the rejection.

#### CONCLUSIONS

(1) The Examiner did not err in rejecting claims 1, 2, 4, 12, 14–16, 18, and 26 as being unpatentable under 35 U.S.C. § 103(a) over Borislow and Bangor.

(2) Appellant has not shown that the Examiner erred in rejecting claims 5 and 19 as being unpatentable under 35 U.S.C. § 103(a) over Borislow, Bangor, and Mousseau.

#### DECISION

The Examiner's rejections of claims 1, 2, 4, 5, 12, 14–16, 18, 19, and 26 are affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED